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**OFFICE OF PETITIONS**

IPSG, P.C.  
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SAN JOSE CA 95170-0640

In re Application of	:	
Isaac Achler	:	
Application No. 10/026,368	:	DECISION ON PETITION
Filed: December 17, 2001	:	UNDER 37 C.F.R. §1.137(b)
Attorney Docket Number:	:	
ANTAP005/IC-0106	:	
Title: INTERFACE RECEIVE	:	
CIRCUITS FOR MODULARIZED DATA	:	
OPTIMIZATION ENGINES AND	:	
METHODS THEREFOR	:	

This is a decision on the petition filed August 2, 2006, pursuant to 37 C.F.R. §1.137(b)<sup>1</sup>, to revive the above-identified application.

A Notice of Allowance and Issue Fee Due was mailed on June 30, 2005. The issue fee was received on September 30, 2005, and on November 8, 2005, the Office mailed a "Notice regarding Drawings," which indicated that corrected drawings were required. The notice set a two-month non-extendable period to respond. No response was received, and accordingly, the above-identified application became abandoned on January 9, 2006. A Notice of Abandonment was mailed on February 21, 2006.

<sup>1</sup> A grantable petition pursuant to 37 CFR 1.137(b) must be accompanied by:

1. The reply required to the outstanding Office action or notice, unless previously filed;
2. The petition fee as set forth in § 1.17(m);
3. A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional, and;
4. Any terminal disclaimer (and fee as set forth in § 1.20(d)) required pursuant to paragraph (d) of this section.

With the present petition, Petitioner has submitted the petition fee. Therefore, Petitioner has met the second requirement of Rule \$1.137(b). It is noted that a terminal disclaimer is not required.

Regarding the first requirement of Rule \$1.137(b), the requirement has not been satisfied because Petitioner did not submit the required reply to the Office action. The required reply is the reply sufficient to have avoided abandonment, had such reply been timely filed<sup>2</sup>. In order for the application to be revived, petitioner must submit a reply which satisfies 37 C.F.R. \$1.137(b)(1). With the present petition, Petitioner has submitted corrected drawings. These drawings have been reviewed by the Draftsperson, and he has objected to them. A Notice of Draftsperson's Patent Drawing Review has been included with this decision.

Regarding the third requirement of Rule \$1.137(b), \$1.137(b)(3) requires a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 C.F.R. \$1.137(b) was unintentional. The present petition does not appear to contain this statement.

Consequently, the petition must be **DISMISSED**.

Any reply must be submitted within **TWO MONTHS** from the mail date of this decision. Extensions of time under 37 C.F.R. \$1.136(a) are permitted. The reply should include a cover letter entitled "Renewed Petition Under 37 C.F.R. 1.137(b)". This is not a final agency action within the meaning of 5 U.S.C 704.

The renewed petition should indicate in a prominent manner that the attorney handling this matter is Paul Shanowski, and may be submitted by mail<sup>3</sup>, hand-delivery<sup>4</sup>, or facsimile<sup>5</sup>.

If responding by mail, Petitioner is advised not to place the undersigned's name on the envelope. Only the information that appears in the footnote should be included - adding anything else to the address will delay the delivery of the response to the undersigned.

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<sup>2</sup> See M.P.E.P. 711.03(c).

<sup>3</sup> Mail Stop Petition, Commissioner for Patents, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA, 22313-1450.

<sup>4</sup> Customer Window, Randolph Building, 401 Dulany Street, Alexandria, VA, 22314.

<sup>5</sup> (571) 273-8300- please note this is a central facsimile number.

Telephone inquiries regarding *this decision* should be directed to the undersigned at (571) 272-3225<sup>6</sup>. All other inquiries concerning examination procedures or status of the application should be directed to the Technology Center.



Paul Shanowski  
Senior Attorney  
Office of Petitions  
United States Patent and Trademark Office

Encl. Notice of Draftsperson's Patent Drawing Review

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<sup>6</sup> Petitioner will note that all practice before the Office should be in writing, and the action of the Office will be based exclusively on the written record in the Office. See 37 C.F.R. §1.2. As such, Petitioner is reminded that no telephone discussion may be controlling or considered authority for Petitioner's further action(s).